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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Patent Application of Aribindi et al.

Examiner: Sharma, Sujatha R.

Serial No.: 09/663,453

Group Art Unit: 2684

Filed: September 15, 2000

Docket No.: 013436.0212PTUS
(Aribindi 1-2-3)

For: Radio Link Protocol Framing System
For High Speed Data Transfer Over
Digital Cellular Mobile
Telecommunication Networks

Confirmation No.: 3610

Certificate of Mailing Under 37 C.F.R. 1.10

I hereby certify that this correspondence, along with any and all papers referred to as being attached or enclosed, are being deposited with the United States Postal Service with sufficient postage in an Express Mail envelope bearing label number EV389084461US, addressed to Mail Stop Appeal Brief – Patents, Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450.

September 15, 2004
Date

Elaine C. Von Spreckelsen
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Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Technology Center 2600

Dear Sir:

APPELLANT'S REPLY BRIEF

Appellant has reviewed the Examiner's Answer filed on 15 July 2004 and provides the following arguments in support of the patentability of Appellant's claims.

To recap, Appellant's pending claims define a Radio Link Protocol Framing System which receives data from the subscriber's terminal equipment, such as a personal computer PC, and stores this data in a buffer for transmission over the subscriber's presently active radio link. The subscriber's presently active data link implements a dedicated fundamental channel for transmitting voice data, a dedicated supplemental channel for transmitting packet data and a dedicated control channel for transmitting control messages, to the base station. The Radio Link Protocol Framing System packages the data into Core Units via Core Unit Protocol Handler for transmission over the Dedicated Control Channel and/or the Supplementary Channel (page 9, lines 4 – 11) of the presently active radio link being used by the subscriber's terminal equipment, depending on the volume of the user data traffic that is available for

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transmission.

The Examiner in the Examiner's Answer dated 15 July 2004 repeats his arguments in support of the rejection of Appellant's independent claims based upon the cited Kim reference:

In response to the appellant's argument regarding the independent claims 1, 7, the examiner disagrees because the Kim reference teaches a method where a control channel is assigned to mobile stations using the packet data service and the dedicated control channel may be used together with the voice traffic channel for high quality service. See page 12, lines 8-18. Since the control channel is assigned to "mobile stations" and not to any one particular mobile station, it is clear that the control channel is also assigned to the mobile station that is active and may be used together with the voice traffic channel for high quality service. The assignment of voice traffic to a mobile station is indicative of the active radio link for the mobile station to which is also assigned a dedicated control channel as discussed above.

The Examiner then addresses Appellant's position as follows:

Further, the appellant's arguments indicate that there is a dedicated control channel for each mobile user. However, the claim does not indicate that a dedicate [sic] control channel is established to only one mobile station that is active but the limitation calls for "selecting said associated dedicated control channel of said presently active radio link to transmit data to said digital cellular mobile telecommunication network". Therefore the limitation is not limited to only one mobile station. Thus the claimed limitations still reads on the cited reference.

Appellant respectfully disagrees with the Examiner's characterization of Appellant's independent claims, since they specifically recite in the preamble thereof: "using the dedicated control channel of the radio link that interconnects said subscriber's mobile wireless station set with a digital cellular mobile telecommunication network," which clearly limits the claims to the use of the control channel in the presently active radio link that serves the specific subscriber. This control channel is not available for use by other subscribers and any subscriber is similarly limited only to the use of their own control channel. These limitations are further recited in Appellant's independent claim 1 as follows: "means, responsive to the existence of a presently active radio link, comprising a dedicated traffic channel presently in use by said subscriber's mobile wireless station set and an associated dedicated control channel, for selecting said associated dedicated control channel of said presently active radio link to transmit said data to said digital cellular mobile telecommunication network."

In contrast, the cited Kim Patent teaches that when the dedicated traffic channel is **not** established between the base station and the mobile station and packet data cannot be exchanged between the base station and the mobile station (page 17, lines 10 – 16), the Kim communication system enables a user packet to be transmitted as a single brief packet (page 21, lines 11 – 15) over the dedicated control channel of a presently active radio link being used by **another** mobile station (page 12, lines 8 – 18). There is no teaching in the cited Kim Patent that enables the Kim communication system to use the dedicated control channel of the user's presently active radio link for transmitting user data when there exists a presently active radio link in use by the mobile station and the Kim communication system can only use another subscriber's radio link to forward a brief burst of data over the dedicated control channel of that radio link when a dedicated traffic channel is **not** established between the base station and the mobile station.

Thus, the cited Kim Patent not only fails to show or even suggest a system that enables a subscriber's terminal equipment, such as a personal computer, to store data in a buffer for transmission over the subscriber's presently active radio link, using the Dedicated Control Channel and/or the Supplementary Channel of this presently active radio link, but teaches away from this structure. This structure, as noted above, is clearly and specifically recited in Appellant's independent claims. The Examiner has therefore not identified any teaching in the cited Kim Patent that can be applied in a manner to render Appellant's claimed invention anticipated.

Summary

For the above cited reasons, the Examiner has failed to provide a showing of anticipation with respect to the structure claimed by Appellant in independent claim 1, and Appellant requests the 35 U.S.C. §102(b) rejection of claim 1 be removed. The remaining claims 2 – 6 and 8 – 12 are claims either dependent on claim 1 or dependent on analogous independent claim 7 and are allowable over the cited Kim Patent for the same reasons as articulated above with respect to Appellant's claim 1.

In summary, Appellant believes that claims 1 – 12 are allowable under 35 U.S.C. §102(b) over Published EPO patent application WO 99/41853 filed by Kim. Appellant therefore respectfully requests a Notice of Allowance in this application in light of the amendments and arguments set forth herein. The undersigned attorney requests Examiner Sharma to telephone if a conversation could expedite prosecution. Appellant

authorizes the Commissioner to charge any additionally required payment of fees to deposit account #50-1848.

Respectfully submitted,
Patton Boggs, LLP

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